

REMARKS

Claims 4, 8, 12, 14-27, 29, 31, 33, 38, and 39 are pending. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the August 4, 2005 Office Action, the Examiner allowed claims 4, 8, 12, 14-27, 29, 31, 33, 38, and 39, for which Applicants thank the Examiner. (*August 4 Office Action, page 5*)

The Examiner objected to claims 8 and 12 under MPEP § 706.03 (k) as being substantially duplicative of claim 4. Applicants respectfully submit that claims 8 and 12 are not substantially duplicative of claim 4. MPEP §706.03 (k) provides that “a mere difference in scope between claims has been held to be enough” to avoid such an objection. Applicants respectfully submit that claims 4, 8 and 12 are different in scope to one another.

First, claim 4 differs in scope from claims 8 and 12 because claims 8 and 12 do not require “detecting and deleting *all of the frames containing the track information from the PMA*, thereby logically erasing all of the contents from the program area,” as is required by claim 4. Instead claim 8 requires “detecting *where the frames containing the identification information are located at a leading section of the PMA* and the frames containing the track information are located in a subsequent section of the PMA after the leading section.” Claim 12, on the other hand, requires “detecting *where first frames* containing the identification information *are located at a part of a leading section of the PMA* and where second frames containing the track information are located after the first frames in the PMA.” Further, claim 12, unlike claims 4 and 8, does not require deletion of all of the frames containing the track information. Instead claim 12 is limited to “deleting *all of the second frames* so as to logically erase all of the contents from the program area,” while the first frames are preserved.

In addition, claims 4, 8 and 12 differ in scope with respect to the information that is

preserved. In particular, independent claim 4 requires “preserving *the frames containing the identification information in the PMA*, so that the rewritable optical disc can be identified at rewriting thereof even after all of the contents are logically erased from the program area of the rewritable optical disc.” Claim 8, however, requires “preserving the *frames which contain the identification information as they are at the leading section of the PMA*, so that the rewritable optical disc can be identified at rewriting thereof even after all of the contents are logically erased from the program area of the rewritable optical disc”, while claim 12 requires only “preserving the *first frames in the leading section of the PMA while filling the leading section by the first frames to complete the leading section*, so that the rewritable optical disc can be identified at rewriting thereof even after all of the contents are logically erased from the program area of the rewritable optical disc.”

In view of the foregoing distinctions, Applicants note that one who infringes claim 8 will not necessarily infringe claim 4 or claim 12. Similarly, one who infringes claim 12 will not necessarily infringe claims 4 or 8. Accordingly, Applicants respectfully submit that claims 4, 8, and 12 are not substantially duplicative and request that the objection be withdrawn.

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Applicants respectfully submit that the claims are in condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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